

## EXTRAORDINARY SESSION

# JOURNAL OF THE SENATE

Monday, September 12, 1949

The Senate convened at 12:00 o'clock, Noon, pursuant to adjournment on Friday, September 9, 1949.

The President in the Chair.

The roll was called and the following Senators answered to their names.

Mr. President	Clarke	Moore	Smith
Alford	Crary	Pearce	Sturgis
Ayers	Franklin	Pope	Tucker
Baker	Gautier	Ray	Walker
Baynard	Getzen	Rodgers	Wilson
Beacham	Johnston	Sanchez	Wright
Beall	King	Shands	
Boyle	Mathews	Sheldon	
Carroll	McArthur	Shivers	

—33.

A quorum present.

Senators Collins, Johns, Davis, Leaird and Lindler were excused from attendance upon the Session today.

Prayer was offered by the Senate Chaplain, Reverend D. L. Welch.

The reading of the Journal was dispensed with.

The Senate Daily Journal of Friday, September 9, 1949, was corrected and as corrected was approved.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Baynard—

Senate Bill No. 28-X(49):

A bill to be entitled An Act to amend Chapter 25,500, Laws of Florida, Special Acts of 1949, the same having amended Chapter 24,826, Laws of Florida, Special Acts of 1947, and Chapter 23,483, Laws of Florida, Special Acts of 1945, which latter Act created for Pinellas County, Florida, a Board of Juvenile Welfare, by providing that the members of said Board shall be the County Superintendent of Public Instruction, the Vice-Chairman of the Board of County Commissioners, and the Juvenile Judge of said County, and four other members who shall be appointed by the Governor; and further providing for the terms of office for the members of said Board; and also providing that the tax monies collected for the maintenance of said Board shall be paid over annually to the Board up to and including the sum of \$75,000.00, and that all monies over the said sum annually collected shall be placed in the General Fund of said County; and also providing that fidelity bonds in the amount of \$1,000.00 each shall be required only of the two members of the said board who sign its checks.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 28-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 28-X(49) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Baynard moved that the rules be waived and Senate Bill No. 28-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 28-X(49) was read the second time by title only.

Senator Baynard moved that the rules be further waived and Senate Bill No. 28-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 28-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 28-X(49) the roll was called and the vote was:

Yeas—33.

Mr. President	Clarke	Moore	Smith
Alford	Crary	Pearce	Sturgis
Ayers	Franklin	Pope	Tucker
Baker	Gautier	Ray	Walker
Baynard	Getzen	Rodgers	Wilson
Beacham	Johnston	Sanchez	Wright
Beall	King	Shands	
Boyle	Mathews	Sheldon	
Carroll	McArthur	Shivers	

Nays—None.

So Senate Bill No. 28-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened.

By Senator Shands—

Senate Bill No. 29-X(49):

A bill to be entitled An Act to authorize the City of Gainesville to levy taxes under the provisions of Chapter 22,829, Laws of Florida, 1945; in anticipation of the collection of such taxes to issue revenue certificates secured by pledge of and payable from all or part of the proceeds thereof; providing for the sale of such certificates and the uses which may be made of the proceeds thereof; providing for the security of such certificates, and making other provisions with respect to the foregoing.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 29-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 29-X(49) when it was introduced in the Senate, and evidence that such Notice has been published was estab-

lished by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Shands moved that the rules be waived and Senate Bill No. 29-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 29-X(49) was read the second time by title only.

Senator Shands moved that the rules be further waived and Senate Bill No. 29-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 29-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 29-X(49) the roll was called and the vote was:

Yeas—33.

Mr. President	Clarke	Moore	Smith
Alford	Crary	Pearce	Sturgis
Ayers	Franklin	Pope	Tucker
Baker	Gautier	Ray	Walker
Baynard	Getzen	Rodgers	Wilson
Beacham	Johnston	Sanchez	Wright
Beall	King	Shands	
Boyle	Mathews	Sheldon	
Carroll	McArthur	Shivers	

Nays—None.

So Senate Bill No. 29-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the Senate determined that the following bill was within the legislative business for which this extraordinary session of the Legislature was convened:

By Senator Franklin—

Senate Bill No. 30-X(49):

A bill to be entitled An Act imposing an additional tax upon malt beverages.

Which was read the first time by title only and referred to the Committee on Finance and Taxation and the Committee on Temperance.

By Senators Franklin, Baynard and King—

Senate Bill No. 31-X(49):

A bill to be entitled An Act amending Section 10 of Chapter 25370, Laws of Florida, Acts of 1949, relating to State revenues and appropriations for the biennium 1949-1951; and relating to the powers and duties of the State Budget Commission in order to provide revenues to meet certain emergencies should they occur.

Was read the first time by title only.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted to the Senate the question of whether or not Senate Bill No. 31-X(49) was within the legislative business for which this extraordinary session of the Legislature was convened.

Pending consideration of the question Senator Mathews moved that the further consideration thereof be postponed until Tuesday, September 13, 1949.

Which was agreed to and it was so ordered.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Moore—

Senate Bill No. 32-X(49):

A bill to be entitled An Act relating to the Tenth Judicial Circuit of Florida, providing an additional circuit judge for said circuit, fixing his powers, duties and compensation, and further providing for the distribution, and residence of the circuit judges in said circuit, and further providing for the time of beginning of the first term of such additional judge.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 32-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only, and referred to the committee on Appropriations.

Senator Ray, President Pro Tempore, now presiding.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President Pro Tempore submitted the question to the Senate of whether or not the following resolution should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Brackin—

Senate Resolution No. 33-X(49):

A Resolution providing for the appointment of a committee to investigate the Game and Fresh Water Fish Commission of the State of Florida; providing that the Committee may exercise certain powers; providing for the work of the Committee to proceed after the adjournment of the present Session of the Legislature; and requiring the Committee to report to the Senate of the 1951 Session of the Legislature.

It was agreed by a two-thirds vote of the Senate that Senate Resolution No. 33-X(49) should be introduced for consideration by the Senate and it was read the first time in full.

The question was put on the adoption of the Resolution.

Which was agreed to and Senate Resolution No. 33-X(49) was adopted.

The President now presiding.

Pursuant to the provisions of Senate Resolution No. 33-X(49) the President announced the appointment of the following committee: Senators Pearce, Baker, Moore, Ayers, and Mathews.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question to the Senate of whether or not the following bill should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened:

By Senator Boyle—

Senate Bill No. 34-X(49):

A bill to be entitled An Act authorizing the City of Sanford, Florida, in Seminole County, Florida, to acquire real and personal property for pier or wharf, slip, warehouse, terminal facilities and other improvements relative thereto, and to use for such purposes any real and personal property now owned by said City, and authorizing said City to construct and to maintain and operate any such pier or wharf, slip, warehouse, terminal facilities and other improvements relative thereto; authorizing said City to borrow money from the United States or any of its agencies or from any private source for the purpose of financing said project; and providing that any obligations issued for any money borrowed to finance said project shall be paid, both principal and interest, solely and only from net revenue produced from said project, and from parking meter revenue of the City of Sanford pledged for such purposes; and providing for the rights, security and remedies of the holders of revenue obligations issued to finance such purposes.

It was agreed by a two-thirds vote of the Senate that Senate Bill No. 34-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 34-X(49) when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Boyle moved that the rules be waived and Senate Bill No. 34-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 34-X(49) was read the second time by title only.

Senator Boyle moved that the rules be further waived and Senate Bill No. 34-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 34-X(49) was read the third time in full.

Upon the passage of Senate Bill No. 34-X(49) the roll was called and the vote was:

Yeas—33.

Mr. President	Clarke	Moore	Smith
Alford	Crary	Pearce	Sturgis
Ayers	Franklin	Pope	Tucker
Baker	Gautier	Ray	Walker
Baynard	Getzen	Rodgers	Wilson
Beacham	Johnston	Sanchez	Wright
Beall	King	Shands	
Boyle	Mathews	Sheldon	
Carroll	McArthur	Shivers	

Nays—None.

So Senate Bill No. 34-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

Senator Pope moved that the rules be waived and the hour of adjournment be extended until completion of introduction of bills and joint resolutions and consideration of Messages from the House of Representatives.

Which was agreed to by a two-thirds vote and it was so ordered.

By Senator Shivers—

Senate Joint Resolution No. 35-X(49):

A Joint Resolution proposing an amendment to Article IX of the Constitution of the State of Florida relating to the levy and assessment of sales, transaction, or use taxes in this State by adding thereto an additional section to be numbered by the Secretary of State, and providing a limitation upon the rate of such taxes.

WHEREAS the following proposed amendment to the Constitution of the State of Florida is found to be within the proclamation of the governor convening the Legislature in extraordinary session on September 7, 1949; therefore,

Be it resolved by the Legislature of the State of Florida:

That the following amendment to Article IX of the Constitution of the State of Florida relating to the levy and assessment of sales, transactions, or use taxes in this state by adding thereto an additional section to be numbered by the Secretary of State, be and the same is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the first general election to be held on the first Tuesday after the first Monday in November, 1950, as follows.

No sales, transactions, or use taxes levied by the State of Florida shall exceed three percent on the dollar. Such taxes may be appropriated and allocated to any state, county or municipal purpose in the manner determined by the Legislature.

Was read the first time in full.

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted to the Senate the question of whether or not Senate Joint Resolution No. 35-X(49) was within the legislative business for which this extraordinary session of the Legislature was convened.

Upon call of the roll on the question the vote was:

Yeas—2.

Shivers Walker

Nays—31.

Mr. President	Carroll	Mathews	Shands
Alford	Clarke	McArthur	Sheldon
Ayers	Crary	Moore	Smith
Baker	Franklin	Pearce	Sturgis
Baynard	Gautier	Pope	Tucker
Beacham	Getzen	Ray	Wilson
Beall	Johnston	Rodgers	Wright
Boyle	King	Sanchez	

So the Senate determined that Senate Joint Resolution No. 35-X(49), was not within the legislative business for which this extraordinary session of the Legislature was convened.

Whereupon the President submitted to the Senate the question of whether or not Senate Joint Resolution No. 35-X(49) should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session of the Legislature was convened.

Upon call of the roll on the question the vote was:

Yeas—32.

Mr. President	Carroll	Mathews	Shands
Alford	Clarke	McArthur	Sheldon
Ayers	Crary	Moore	Shivers
Baker	Franklin	Pearce	Smith
Baynard	Gautier	Pope	Sturgis
Beacham	Getzen	Ray	Tucker
Beall	Johnston	Rodgers	Walker
Boyle	King	Sanchez	Wilson

Nays—None.

So it was agreed by the required two-thirds vote that Senate Joint Resolution No. 35-X(49) should be introduced for consideration by the Senate and it was referred to the Committee on Constitutional Amendments.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,  
September 12, 1949.

Honorable Newman C. Brackin  
President of the Senate:

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed by a two-thirds vote—

By Messrs. Lantaff, Stockdale and Okell of Dade—

House Bill No. 47-X(49):

A bill to be entitled An Act amending Section 4 of Chapter 11516, Act of 1925, the same being the charter of the City of Hialeah, Florida as amended by Section 1 of Chapter 16456 of Acts of 1933, and as amended by Chapter 25866 of Acts of 1949, so as to provide four-year terms for the three Council candidates receiving the highest number of votes and two-year terms for Councilmen receiving the next highest number of votes; providing for a Council of seven members; providing that the Mayor and Council shall be elected on the second Tuesday in September of each odd-numbered year; that the Mayor shall serve a four-year term; that vacancies in the Council shall be filled by the remaining Councilmen; providing for succession of the Mayor and for a referendum election.

Introduction of the bill was agreed to by a two-thirds vote of the House.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE  
Chief Clerk,  
House of Representatives

Pursuant to Substitute for Senate Resolution No. 1-X(49) the President submitted the question of whether or not House Bill No. 47-X(49), contained in the above message, should be introduced for consideration by the Senate notwithstanding it not being within the legislative business for which this extraordinary session was convened.

And it was agreed by a two-thirds vote of the Senate that House Bill No. 47-X(49), title as aforesaid, should be introduced for consideration by the Senate and it was read the first time by title only.

Senator Gautier moved that the rules be waived and House Bill No. 47-X(49) be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 47-X(49) was read the second time by title only.

Senator Gautier moved that the rules be further waived

and House Bill No. 47-X(49) be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 47-X(49) was read the third time in full.

Upon the passage of House Bill No. 47-X(49) the roll was called and the vote was:

Yeas—33.

Mr. President	Clarke	Moore	Smith
Alford	Crary	Pearce	Sturgis
Ayers	Franklin	Pope	Tucker
Baker	Gautier	Ray	Walker
Baynard	Getzen	Rodgers	Wilson
Beacham	Johnston	Sanchez	Wright
Beall	King	Shands	
Boyle	Mathews	Sheldon	
Carroll	McArthur	Shivers	

Nays—None.

So House Bill No. 47-X(49) passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives immediately, by waiver of the rule.

The hour of adjournment having arrived a point of order was called and the Senate stood adjourned at 1:04 o'clock P.M., until 11:00 o'clock A.M., Tuesday, September 13, 1949.